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PTO/SB/21 (09-06)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/914,110

Filing Date

February 5, 2002

First Named Inventor

Noubar B. Afeyan

Art Unit

3693

Examiner Name

R. C. Weisberger

Attorney Docket Number

FLG-005

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement
and Form PTO/SB/08

☒ Copies of References BB-BT and
CAI-CAS

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication
to TC

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please
Identify below):

Return Receipt Postcard
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

GOODWIN PROCTER LLP

Signature

Randall D. Morin

Printed name

Randall D. Morin

Date

April 27, 2007

Reg. No.

58,312



Attorney Docket No. FLG-005
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Noubar Afeyan

Confirmation No.: 9343

Application No. 09/914,110

Art Unit: 3693

Filed: February 5, 2002

Title: METHOD AND SYSTEM CONSTITUTING
A VIRTUAL COLLECTIVE ENTITY FOR
MARKET-EFFICIENT RETAIL
PURCHASES OF GOODS AND SERVICES

Examiner: Weisberger, Richard C.

INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of cited U.S. patents and U.S. patent applications. In accordance with 37 CFR 1.98(d)(1), Applicant has not submitted copies of the cited foreign patent document numbered BA, or non-patent literature documents numbered CA - CAH, because these documents were previously cited in an application the present application relies on for an earlier effective filing date under 35 USC 120, U.S. Patent Application Serial No.09/255,294. However, Applicant will supply copies of these

documents if requested by the Examiner. Applicants submit herewith copies of the cited foreign patent documents numbered BB - BT and non-patent literature numbered CAI - CAS in accordance with 37 CFR 1.98(a)(2).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 07-1700, under Order No. FLG-005.

Date: April 27, 2007

Respectfully submitted,

By 

Randall D. Morin

Registration No. 58,312

GOODWIN PROCTER LLP

Exchange Place

Boston, Massachusetts 02109

(617) 570-1000

Attorney for Applicant



PTO/SB/08A/B (09-06)

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	09/914,110	
			Filing Date	February 5, 2002	
			First Named Inventor	Afeyan	
			Art Unit	3693	
			Examiner Name	Weisberger, Richard C.	
Sheet	1	of	4	Attorney Docket Number	FLG-005

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	5,193,056	03-09-1993	Boes	
	AB	5,794,207	08-11-1998	Walker et al.	
	AC	5,835,896	11-10-1998	Fisher et al.	
	AD	5,855,008	12-29-1998	Goldhaber et al.	
	AE	5,794,219	08-11-1998	Brown	
	AF	6,023,686	02-08-2000	Brown	
	AG	6,047,266	04-04-2000	Van Horn et al.	
	AH	6,014,643	01-11-2000	Minton	
	AI	5,999,914	12-07-1999	Blinn et al.	
	AJ	5,970,470	10-19-1999	Walker et al.	
	AK	5,950,176	09-07-1999	Keiser et al.	
	AL	5,897,622	04-27-1999	Blinn et al.	
	AM	5,758,327	05-26-1998	Gardner et al.	
	AN	3,581,072	05-25-1971	Nymeyer	
	AO	5,576,951	11-19-1996	Lockwood	
	AP	4,949,248	08-14-1990	Caro	
	AQ	5,890,137	03-30-1999	Koreeda	
	AR	5,913,210	06-15-1999	Call	
	AS	5,835,896	11-10-1998	Fisher et al.	
	AT	5,727,165	03-10-1998	Ordish et al.	
	AU	5,983,199	11-09-1999	Kaneko	
	AV	5,956,709	09-21-1999	Xue	
	AW	5,915,209	06-22-1999	Lawrence	
	AX	5,897,639	04-27-1999	Greef et al.	
	AY	5,895,454	04-20-1999	Harrington	
	AZ	5,890,138	03-30-1999	Godin et al.	
	AAA	5,845,266	12-01-1998	Lupien et al.	
	AAB	5,845,265	12-01-1998	Woolston	
	AAC	5,842,178	11-24-1998	Giovannoli	
	AAD	5,832,459	11-03-1998	Cameron et al.	
	AAE	5,826,244	10-20-1998	Huberman	
	AAF	5,818,914	10-06-1998	Fujisaki	
	AAG	5,809,144	09-15-1998	Sirbu et al.	
	AAH	5,806,047	09-08-1998	Hackel et al.	
	AAI	5,799,284	08-25-1998	Bourquin	
	AAJ	5,797,127	08-18-1998	Walker et al.	
	AAK	5,765,143	06-09-1998	Sheldon et al.	
	AAL	5,758,328	05-26-1998	Giovannoli	
	AAM	5,758,327	05-26-1998	Gardner et al.	
	AAN	5,745,882	04-28-1998	Bixler et al.	
	AAO	5,724,521	03-03-1998	Dedrick	
	AAP	5,712,985	01-27-1998	Lee et al.	
	AAQ	5,640,569	06-17-1997	Miller et al.	
	AAR	5,377,095	12-27-1994	Maeda et al.	
	AAS	4,789,928	12-06-1988	Fujisaki	
Examiner Signature				Date Considered	



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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/914,110
				Filing Date	February 5, 2002
				First Named Inventor	Afeyan
				Art Unit	3693
				Examiner Name	Weisberger, Richard C.
Sheet	2	of	4	Attorney Docket Number	FLG-005

	AAT	4,567,359	01-28-1986	Lockwood	
	AAU	6,098,051	08-01-2000	Lupien et al.	
	AAV	5,224,034	06-29-1993	Katz et al.	
	AAW	5,873,071	02-16-1999	Ferstenberg et al.	
	AAX	6,023,685	02-08-2000	Kenton et al.	
	AAY	6,067,532	05-23-2000	Gebb	
	AAZ	6,085,169	07-04-2000	Walker et al.	
	AAAA	6,101,484	08-08-2000	Halbert et al.	
	AAAB	5,148,365	09-15-1992	Dembo	
	AAAC	5,255,184	10-19-1993	Hornick et al.	
	AAAD	5,270,921	12-14-1993	Hornick	
	AAAE	5,377,095	12-27-1994	Maeda et al.	
	AAAF	5,729,700	03-17-1998	Melnikoff	
	AAAG	5,745,882	04-28-1998	Bixler et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					
	BA	WO 00/11570		02-03-2000	Accompany Inc.		
	BB	WO 00/43929		07-27-2000	iCoop Inc.		
	BC	WO 00/43938		07-27-2000	Innovative Concepts Gp Inc.		
	BD	WO 00/46727		08-10-2000	Mercata Inc.		
	BE	WO 98/10361		03-12-1998	Walker Asset Ltd.		
	BF	WO 99/20013		04-22-1999	Walker Asset Ltd.		
	BG	WO 99/27476		06-03-1999	The Taylor Trust AS		
	BH	WO 99/63461		12-09-1999	Dinwoodie et al.		
	BI	WO 00/17797		03-30-2000	Freemarkets Inc.		
	BJ	WO 00/19691		04-06-2000	Wireless System Tech.		
	BK	WO 00/21013		04-13-2000	Lustig		
	BL	WO 00/33271		06-08-2000	Shkedy		
	BM	WO 00/36533		06-22-2000	Groves		
	BN	WO 00/38093		06-29-2000	Cantor Fitzgerald Securities		
	BO	WO 00/39729		07-06-2000	Carlton-Foss		
	BP	WO 00/39732		07-06-2000	Automated Trading Sys. Inc.		
	BQ	WO 00/41108		07-13-2000	Walker Digital LLC		
	BR	WO 00/43928		07-27-2000	iCoop Inc.		
	BS	WO 00/45318		08-03-2000	Accompany Inc.		
	BT	WO 00/46687		08-10-2000	DealTime.com, Ltd.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	09/914,110
				Filing Date	February 5, 2002
				First Named Inventor	Afeyan
				Art Unit	3693
				Examiner Name	Weisberger, Richard C.
Sheet	3	of	4	Attorney Docket Number	FLG-005

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	CA	L. Bransten et al., "New Company Aims to Shift IPO Playing Field" <u>The Wall Street Journal</u> , Feb. 8, 1999, page C1		
	CB	Financial Post Investing, "Hambrecht to Start Selling IPOs on the Internet: Dutch Auction Concept", <u>National Post</u> , February 9, 1999, page D01		
	CC	J. Cook, "Mercata, Inc. Unveils Plans for Internet Shopping Site" <u>Journal Business Reporter</u> , February 23, 1999 (as printed from the internet 5/19/99, http://eastsidejournal.comebiz_archive/nad26995.html)		
	CD	Selected web pages from Mercata, including Premium Brands and About Us, as printed from the internet 5/19/99, http://www.mercata.com		
	CE	Selected web pages from Accompany, including Press Room, Welcome, How It Works, FAQs and Press Releases, as printed from the internet 5/17-19/99, http://www.accompany.com		
	CF	B. Sullivan, "Allen's E-Commerce Vision: Bulk Buying for the Little Guy", May 14, 1999, selected web pages from MSBC		
	CG	Davis, "The Underwriting Underdog," May 1999, p. 100-111, <u>Business 2.0</u>		
	CH	Unknown, "The Level Playing Field," unavailable.		
	CI	Ellis, John, "Greenspan's Fear? Runaway Bills," June 26, 1999, www.boston.com ; <u>The Boston Globe</u>		
	CJ	Machan, Dyan, "An Edison," May 17, 1999; p. 178-185, <u>Forbes</u>		
	CK	Grebb, Michael, "Riding The Buy Cycle," July, 1999; p. 122-130, <u>Business 2.0</u>		
	CL	Matassa, Mark, "Paul Allen's Wired Northwest," www.IntellectualCapital.com ; March 4, 1999		
	CM	Wilcox, Kathleen, "E-Commerce Forces Technology To Engage Customers," www.wsj.org		
	CN	Unknown, "As The Wired World Evolves And Technologies Converge, We Approach Critical Mass," date unknown.		
	CO	Unknown, "Paul Allen's E-Commerce Play: Bring The Buying Club To The Net," <u>BusinessWeek Online</u> , May 13, 1999		
	CP	Woolley, "Price War!", <u>Forbes Magazine</u> , 1-5 (December 14, 1998).		
	CQ	Strang et al., "Scans" Section, <u>Wired</u> , 51, 54, 56, and 58 (September 1995).		
	CR	Rockoff et al., "Design of an Internet-based System for Remote Dutch Auctions", <u>Internet Research: Electronic Networking Applications and Policy</u> , 5(4): 10-16 (1995).		
	CS	Kroll et al., "World Weary Web", <u>Forbes Magazine</u> , 1-3, 1-3, and 1-4 (December 28, 1998).		
	CT	"Multi-Product Delivery System Optimization Procedure", <u>IBM Technical Disclosure Bulletin</u> , 38(4): 501-503 (April 1995).		
	CU	Abstract, <u>World Reporter</u> , <u>Dagens Industri</u> , "Expected Success for Internet Shopping", WL 5900897, (Mar. 12, 1999).		
	CV	Online Document from Ask Reggie Domain Search, Accompany.com Domain contacts, http://www.askreggie.com , printed May 8, 2000.		
	CW	Online Document from Klik-Klok Online Dutch Auction, http://www.klik-klok.com/how.htm , printed, May 8, 2000.		
	CX	Online Document from Franklin Regional Council of Governments, http://www.frcog.or/purch.html , printed May 8, 2000.		
	CY	Online Document from Cooperative Educational Service Agency, http://www.cesa5.k12.wi.us/buying.html , May 8, 2000.		
	CZ	Online Document from Who's Who for The Commerce Standard,		
Examiner Signature				Date Considered



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				First Named Inventor	Afeyan	
				Art Unit	3693	
				Examiner Name	Weisberger, Richard C.	
Attorney Docket Number	FLG-005					
Sheet	4	of	4			

		http://www.gii.com/standard/who/index.html , printed May 8, 2000.	
CAA		Online Document From Bullnet Online Auctions, http://www.bullnet.co.uk/auctions/info.htm , printed May 8, 2000.	
CAB		Online Document, "Management and Specialist Team, LetsBuyIt.com, Sweden", http://www.alumni.se/e-commerce/default.htm , printed May 10, 2000.	
CAC		Online Document from Agorics, Inc., http://www.agorics.com/ , Sections: "A Survey of Auctions," "English Auction," "A Dutch Auction," "The First Price Auction," "The Vickrey Auction," "The Double Auction," "Auction Offshoots," "Auction Strategies," "Auction Histories," "Government Securities-Auctioned Off," "Collusion in Auctions," "Auction Bibliography," Printed May 10, 2000.	
CAD		"New Twist To Online Shopping Service Hopes to Break Customer Apathy", <u>Phillips Business Information Internet Week</u> , 1-2, (May 22, 1995).	
CAE		Emigh, "In year 2020, Auctions & Agents To Rule Web", <u>Newsbytes News Network</u> , 1-2, (March 23, 1998).	
CAF		Abstract, "New Tricks in Pet Supplies"	
CAG		U.S. Provisional Patent Application No. 60/097,932, filed August 25, 1998.	
CAH		U.S. Provisional Patent Application No. 60/097,933, filed August 25, 1998.	
CAI		Hibbard, "Buyer's Market: Companies like CarPoint, Deja.com, and Accompany are bringing power to the people," <u>Red Herring</u> , 146, 148, 150, 152, and 154 (November 1999).	
CAJ		Wit Capital's Digital IPOs, <u>Traders Magazine</u> , V11, n 139, p20+ (June 1998)	
CAK		Online Document: Bringing auction-based IPOs to the Web, http://news.cnet.com/news/0-1007-202-338414.html , printed 01/06/00.	
CAL		Online Document: W.R. Hambrecht To Start Selling IPOs Via Internet, http://www.cba.uiuc.edu/~pellinge/current/2-11-11c.htm , printed 01/06/00.	
CAM		Online Document from Welcome to MacUser, http://www.macuser.co.uk/moredhel/news/32803.html , printed 01/06/00.	
CAN		Online Document from Medpool.com, http://www.medpool.com/in_the_news_invivo.html , printed 01/25/00.	
CAO		Online Document from Fool.com, http://www.scribe.fool.com/Specials/1999/sp990316AboutIPOs02.htm , printed 01/06/00.	
CAP		Selected web pages from Blockbuy, including "You don't have to be a Blockhead," and "Press Release - Blockbuy.com Announces \$1 Million in Private Placement Funding," http://www.blockbuy.com , printed 01/31/00.	
CAQ		Selected web pages from OnlineChoice.com, including "Welcome to OnlineChoice.com," "Online Choices," and "Terms of Use Agreement and About Us," http://www.onlinechoice.com , printed 01/31/00.	
CAR		Selected web pages from ElectricityChoice.com, http://www.electricitychoice.com , printed 01/31/00.	
CAS		Bailey et al. (Spring 1997) "An Exploratory Study of the Emerging Role of Electronic Intermediaries" <u>Intl. J. Electronic Commerce</u> 1(3): 7-20.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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Application No. (if known): 09/914,110

Attorney Docket No.: FLG-005

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- Information Disclosure Statement (2 pages)
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